

REMARKS

This is in response to the Office Action of December 14, 2006. A more descriptive title is supplied for Applicants' invention. Claims 12 and 15 are cancelled, without prejudice. Claims 11, 13, 14, 16, and 17 are amended to delete their references to *Apium* and *Cryptotaenia japonica Hassk.* It is noted that the reference in the claims to *Apium* had not previously been deleted. Claims 11, 13, 14, 16, and 17 are also amended to recite specific extraction solvents, based upon such disclosure as that in the paragraph bridging pages 7-8 of the specification and in Examples 1-7 and 14-26. Finally, the form of claims 11, 13, 14, 16, and 17 is revised for greater clarity. New claims 18-21 are based upon such disclosure as that in the paragraph bridging pages 7-8 and from line 15 on page 7 through line 20 on page 10 of the specification. No new matter is introduced by this Amendment. With this Amendment, claims 11, 13, 14, and 16-21 are pending in the application.

Claims 11-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 08-154595 (Kawashimi). Office Action, pages 21-22. Claims 12 and 15 have been cancelled. Claims 11, 13, 14, 16, and 17 have been amended to delete their references to *Apium* and *Cryptotaenia japonica Hassk.* Accordingly, claims 11, 13, 14, 16, and 17 in their current form are patentable over the Kawashimi reference. New method claims 18-21 are likewise patentable over the Kawashimi disclosure.

Claims 11-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 10-295325. Office Action, pages 20-21. The inventor in JP 10-295325 is Katsuji Nagamitsu. Accordingly, this reference will be referred to hereinafter as "Nagamitsu". Claims 12 and 15 have been cancelled. Claims 11, 13, 14, 16, and 17 have been amended to recite that the extract is obtained with a solvent selected from the group consisting of water, chloroform, ethanol, methanol, ethyl acetate, and mixtures thereof. Nagamitsu describes an extraction method in which, in connection with extraction employing alcohol, sugar is added so as to separate precipitate and supernatant liquid that have been generated. Paragraph [0008]. Example 3 of Nagamitsu discloses an extraction from *Angelica keiskei*. A solution prepared by mixing and

stirring 2 kilograms of sugar in 2 liters of ethyl alcohol is used therein. This sugar solution does not meet the claim limitation of "a solvent extract obtained with a solvent selected from the group consisting of water, chloroform, ethanol, methanol, ethyl acetate, and mixtures thereof". Accordingly, since the present claims do not contemplate using sugar in their extraction step, claims 11, 13, 14, 16, and 17 in their current form are patentable over the Nagamitsu reference. New method claims 18-21 are likewise patentable over the Nagamitsu disclosure.

Claims 11-17 were rejected under the first paragraph of 35 U.S.C. § 112 as failing to define the invention properly. Office Action, pages 3-4. The Examiner questioned what type of extract is involved. That is, the Examiner questioned whether it is an aqueous extract mixture or an organic extract mixture from each of those plant species, or whether it is a specific compound obtained from each of those plant species. Claim amendments made herein are responsive to this ground of rejection.

Claims 11-17 were rejected under the second paragraph of 35 U.S.C. § 112 as failing to define the invention properly. Office Action, pages 4-20. On page 6 of the Office Action, the Examiner observes that "The complex nature of the subject matter of this invention is greatly exacerbated by the breadth of the claims". On page 9 of the Office Action, the Examiner alleges that "Applicant does not disclose an extract of a plant selected from the group consisting of *Angelica keiskei* koidz. and *Cryptotaenia japonica* Hassk as an effective ingredient in treating or preventing *all diseases* characterized by an abnormal response to insulin or abnormal insulin levels, such as diabetes, obesity, arterial sclerosis, cocaine withdrawal symptoms, static cardiac incompetence, cardiovascular seizure, cerebral angiospasm, chromaffinoma, ganglioneuroblastoma, Huntington's disease, hyperlipemia, and hyperinsulinemia" (emphasis supplied). On page 14 of the Office Action, the Examiner alleges that "the claims are broad in that a therapeutically effect amount of an agent, any food, beverage or feed comprising any amount of *any extract* of *Angelica keiskei* koidz. and *Cryptotaenia japonica* Hassk may be administered to treat or prevent *any disease* characterized by ..." (emphasis supplied). On page 15 of the Office Action, the Examiner alleges that "no working examples are provided with

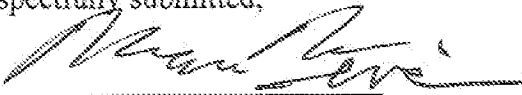
regard to any therapeutic or prophylactic agent, or any type of food, beverage or feed comprising any amount of *any extract* of *Angelica keiskei* koidz. or any extract of *Cryptotaenia japonica* Hassk for treating or preventing *any disease* ..." (emphasis supplied). The claims as presented herein define the diseases and the nature of the extracts that are involved. Also, claims 11, 13, 14, 16, and 17 have been amended to emphasize the fact that they are drawn to compositions of matter. It is respectfully submitted that claims 11, 13, 14, 16, and 17 in their current form, as well as new claims 18-21, are fully enabled by the supporting disclosure in this application.

Applicants respectfully request that all of the rejections of record be withdrawn, and that all of the claims in this application be passed to Issue.

If there are any questions concerning this application, the Examiner is invited to contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008.

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Respectfully submitted,

By 

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